

MONDAY, FEBRUARY 10, 1986

SIXTY-SEVENTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Reverend Lee A. Davis, Second Missionary Baptist Church, Lebanon, Tennessee.

Representative Bell led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 93

Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Yelton and Mr. Speaker McWherter--93.

The Speaker announced that Representative Duer was excused because of illness.

The Speaker announced that Representative Copeland was excused because of a death in family.

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The Speaker announced that Representative Severance was excused because of the weather.

The Speaker announced that Representative Work was excused because of illness.

CORRECTION TO JOURNAL

On page 2186, House Bill No. 1632 was referred to the Committee on Finance, Ways and Means. This is in error.

House Bill No. 1632 should be referred to the Committee on Transportation.

On February 6, 1986 (page 2269), House Bill No. 1797 was referred to the Committee on State and Local Government. This is in error.

House Bill No. 1797 should be referred to the Committee on Commerce.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills No. 932, 1145, 1169, 1177, 1451 and 1452; and House Joint Resolutions Nos. 452, 454, 455, 456, 457, 458, 484 and 488, with his approval.

WILLIAM H. INMAN,
Counsel to the Governor.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 1149, 1158, 1351 and 1583; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 610; also, Senate Joint Resolution No. 232; both for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 1149, 1158, 1351 and 1583; Senate Bill No. 610; and Senate Joint Resolution No. 232.

Mr. Gafford moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 519 out of order, which motion prevailed.

House Joint Resolution No. 519--Relative to honoring Waylon Prince--By Gafford.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Gafford, the resolution was adopted.

A motion to reconsider was tabled.

CALENDAR

House Bill No. 1378--To provide for licensing of mines.

Ms. Duer moved that House Bill No. 1378 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Yelton and Mr. Speaker McWherter --89.

A motion to reconsider was tabled.

Mr. Hobbs moved that House bill No. 1225 be placed on the Calendar for Monday, February 17, 1986 which motion prevailed.

Mr. Speaker McWherter relinquished the Chair to Mr. Bivens, Speaker pro tem.

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House Bill No. 1227--To regulate release of certain public records.

Mr. Hobbs moved that House Bill No. 1227 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1227 be deleting in its entirety the amendatory language added by Section 1 and by substituting instead the following:

(b) Within ten (10) days of the release of public records originating in the office of the county assessor of property, the state agency releasing such records shall notify, in writing, the assessor of property of the county in which such records originated of the records released and the name and address of the person or firm receiving the records.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1227, as amended, passed its third and final consideration by the following vote:

Ayes	79
Noes	6
Present and not voting	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Ellis, Frensley, Garrett, Gill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kisber, Lawson, Love, McAfee, McCroskey, McNally, Miller, Montgomery, Moore, Murphy, Murray, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Winningham, Wix, Wolfe, Wood and Yelton --79.

Representatives voting no were: Cobb, Harrill, May, Moody, Tankersley and Williams--6.

Representatives present and not voting were: Kent and Kernell --2.

A motion to reconsider was tabled.

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House Bill 1226--To make certain provisions, assessment of property.

On motion, House Bill No. 1226 was made to conform with Senate Bill No. 1203.

On motion, Senate Bill No. 1203, on same subject, was substituted for House Bill No. 1226.

Mr. Hobbs moved that Senate Bill No. 1203 be passed on third and final consideration.

Mr. Hobbs moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1203 by adding to the amendatory language of Section 1 the following:

Provided, however, this section shall not apply to the movement of a mobile home or other "moveable structure" as defined in Section 67-5-501(6).

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1203, as amended, passed its third and final consideration by the following vote:

Ayes	90
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Yelton and Mr. Speaker McWherter--90.

A motion to reconsider was tabled.

House Bill No. 1289--To amend Retailers' Sales Tax Act.

Mr. Rhinehart moved that House Bill 1289 be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes 91
Noes 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker McWherter--91.

A motion to reconsider was tabled.

House Bill No. 1216--To provide for presidential preference primary.

Mr. Bragg moved that House Bill No. 1216 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1216 is amended by deleting the language in Section 21 in its entirety and substituting in lieu thereof the following:

(d) All expenses, including compensation of its employees and election officials, incurred by a county election commission or its members in the performance of its duties under this title in connection with the Presidential Preference Primary shall be paid out of the treasury of the state upon the certification of the chairperson and secretary of the county election commission to the secretary of state; provided however, the secretary of state shall review said claim and only those items certified by the secretary of state to the comptroller of the treasury shall be paid. In year in which a Presidential Preference Primary will be held, if a political party elects to hold their county primary in March with the Presidential Preference Primary, then all expenses of the county primary shall likewise be borne by the state upon certification as hereinbefore set forth"

On motion, the amendment was adopted.

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Thereupon, House Bill No. 1216, as amended, passed its third and final consideration by the following vote:

Ayes	88
Noes	2
Present and not voting	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Stafford, Stallings, Starnes, Tankersley, Tanner, Turner (Hamilton), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker McWherter--88.

Representatives voting no were: Chiles and Swann--2.

Representatives present and not voting: Moore and Turner, L. (Shelby)--2.

A motion to reconsider was tabled.

CONSENT CALENDAR

House Bill No. 1257--To continue various governmental entities.

House Joint Resolution No. 483--Relative to study osteoporosis.

House Joint Resolution No. 507--Relative to honoring Unicoi County High School football team.

House Joint Resolution No. 508--Relative to honoring Happy Valley High School football team.

House Joint Resolution No. 512--Relative to honoring Judge Rector Robinette.

House Joint Resolution No. 513--Relative to honoring Karen Bonita Compton.

House Joint Resolution No. 514--Relative to expressing sorrow, death of Mrs. Ada Johnson.

House Bill No. 1631--To levy tax on lodgings, Greene County.

Mr. Gill moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House

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Resolutions and House Joint Resolutions on the Consent Calendar be adopted, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker McWherter--92.

A motion to reconsider was tabled.

SECOND ROLL CALL

A roll call was taken with the following results:

Present	93
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Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Dixon, Drew, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker McWherter--93.

INTRODUCTION OF RESOLUTIONS

House Resolution No. 105--Relative to congratulating David Crockett High School Marching Band--By Robinson (Washington).

Under the rules, House Resolution No. 105 was referred to the Committee on Calendar and Rules.

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House Resolution No. 106--Relative to honoring Bristol Visitors and Conventions Council--By Patterson.

Under the rules, House Resolution No. 106 was referred to the Committee on Calendar and Rules.

House Resolution No. 107--Relative to honoring Ollie Keller--By McAfee, Hobbs, Duer, Chiles, Wolfe, Cross, Davis (Cocke), Dills, Hawkins, Huskey, Jared, Turner, C. (Shelby), Stallings and Moody.

Under the rules, House Resolution No. 107 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 515--Relative to commending Kellie Rena Hall--By Moore, Yelton, Ussery, Ellis, Hillis, Hurley and Miller.

Under the rules, House Joint Resolution No. 515 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 516--Relative to All Tennessee Invitational Basketball Tournament--By Kent.

Under the rules, House Joint Resolution No. 516 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 518--Relative to honoring Congressman Parren J. Mitchell--By Dixon, DeBerry, Pruitt and King.

Under the rules, House Joint Resolution No. 518 was referred to the Committee on Calendar and Rules.

RESOLUTION LYING OVER

Senate Joint Resolution No. 231--Relative to designating July, 1986, "Buy America" month.

The Speaker referred Senate Joint Resolution No. 231 to the Committee on Calendar and Rules.

SENATE BILLS ON FIRST CONSIDERATION

Senate Bill No. 1186--To provide fee, notary qualifications, county clerks.

Passed first consideration.

Senate Bill No. 1225--To regulate contraction, municipal boundaries.

Passed first consideration.

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LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

In accordance with Rule No. 47, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 1715 and 1685.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Wednesday, February 12, 1986: House Joint Resolutions Nos. 515, 518, Senate Joint Resolution No. 231, House Resolution No. 105, 106, 107 and House Bills Nos. 1715 and 1685.

GILL, Chairman.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Wednesday, February 12, 1986: House Bills Nos. 1224, 1311, 1526, 1293, 1294, 1396, 1559, 1163 and 405.

GILL, Chairman.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.:

246--Relative to thanking former Senator Thomas J. Garland;

247--Relative to observance, Washington's Birthday; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1216--Darnell

House Bill No. 1694--Davis (Knox)

House Joint Resolution No. 492--Gill

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MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to request the return of House Bill No. 1214 for further consideration.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

On motion of Mr. Cross, House Bill No. 1214 was returned to the Senate as requested.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 1216, 1227, 1257, 1289, 1378 and 1631; and House Joint Resolutions Nos. 483, 507, 508, 512, 513, 514 and 519; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

1243--To make provisions, board of boiler rules;

1245--To continue elevator safety board;

1254--To terminate Tennessee River Basin Compact;

1261--To amend governmental entity review law;

1264--To make provisions, tollway authority;

1274--To provide for Tombigbee waterway development authority;

1278--To make certain provisions, polygraph examiners; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills

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Nos. 1149, 1158, 1351 and 1583; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.:

482--Relative to honoring Miss Tammy Wynette;

489--Relative to honoring Ray Scott, induction, U.T. Martin Athletic Hall of Fame;

490--Relative to congratulating Red River Boys Country Band;

493--Relative to proclaiming "Tennessee Clean Water Week";

499--Relative to designating the official avian mascot of Homecoming '86; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

1135--To appropriate funds, pilot program, homebuyers revolving loan fund;

1136--To establish homebuyers revolving loan fund pool;

1173--To define accident and health insurance;

1211--To allow certain agreements, enforcement of municipal ordinances;

1227--To regulate substitution, generic drugs;

1263--To provide certain loan programs, Tennessee Student Assistance Corporation;

1264--To provide certain course requirements, teachers;

1304--To regulate liens, hazardous waste clean-up;

1305--To regulate liens, strip mine reclamation;

1316--To regulate emergency medical services;

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- 1329--To provide traffic citations in lieu of arrest;
- 1422--To provide naming, certain bridges;
- 1443--To regulate taking of depositions, civil actions;
- 1444--To regulate Appellate Court Naminating Commission;
- 1461--To regulate Child Wefare Agencies;
- 1476--To regulate disposition, certain collections;
- 1488--To regulate reimbursement, certain travel expenses;
- 1492--To set provisions, certain tow motors;
- 1496--To regulate transportation planning;
- 1517--To make provisions, real estate brokers;
- 1518--To regulate real estate time-sharing;
- 1589--To define family or household member, violence services;
all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.:

- 228--Relative to memory, Mrs. Bernice Marie Parker Pleasure;
- 233--Relative to congratulating Overton CAPA Swingers, Memphis;
- 237--Relative to memory, Franklin H. "Chick" Brown;
- 238--Relative to congratulating Tracy Hayworth;
- 239--Relative to congratulating Karen Bonita Compton;
- 240--Relative to honoring Neil S. Cooper;
- 241--Relative to congratulating William C. Greer;
- 242--Relative to congratulating Ricky Blake; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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On motion of Mr. Naifeh, the House adjourned until 2:00 p.m.
Wednesday, February 12, 1986.